

# **Imperial Redevelopment / Tract 3**

## **Frequently Asked Questions (FAQs)**

### **March 18, 2011**

On February 17, 2011, and at the City's request, Johnson Development hosted a community meeting featuring an overview of their proposals for the Imperial development project. The City's goal was for the developer to receive community comments and identify community issues prior to moving forward with development applications. That goal was met as the developer received a significant amount of community response, reaction and input. In addition, the City determined it was appropriate for the proposals to be presented to the Planning and Zoning Commission in a workshop format to receive initial feedback from the Commission as well. This took place on February 24, 2011 where members of the Planning and Zoning Commission also provided initial input and concern was voiced regarding a number of issues including the amount of proposed multifamily units.

Since that meeting, we have received a number of calls, complaints, and questions in response to the multifamily elements of the developer's proposal. We have consolidated the most common questions and answers into this FAQ:

**Q: Why is the City allowing the developer to construct 1,600 apartments in the Imperial development project?**

*A: The developer presented a proposal that included this number of multifamily units. The City Council has not considered this proposal, and no City approval has been granted. In addition, no public hearing or recommendation on the project has taken place from the Planning and Zoning Commission.*

**Q: I am opposed to the number of apartments proposed for the Imperial development project. How do I express my position to the City?**

*A: You may express your position, opinions or concerns at any time by mail, phone, email or in person to the City of Sugar Land Planning Department. Public comments, questions, and concerns are included in any rezoning case as part of the review and decision-making process by the Planning and Zoning Commission and City Council. You may also choose to share your concerns via correspondence with the Mayor and City Council.*

*You will also have an opportunity to speak directly to the Planning and Zoning Commission and City Council in formal zoning hearings. No hearings have been scheduled currently. It is important to familiarize yourself with the Planning and Zoning Commission and City Council hearing procedures so that you can make the most efficient use of your time speaking. General hearing procedures include:*

- Prior to the hearing, City staff will present an overview of the application to the Commission or City Council.*

- *At the beginning of the hearing, the applicant will present the proposal to the Commission or City Council.*
- *Following the applicant's presentation, proponents, opponents and/or interested parties will have an opportunity to speak. To speak effectively, please consider:*
  - *Completing and submitting a speaker request form, available at the meeting, is recommended but not required;*
  - *Speakers are requested to begin their comments by stating their name and address;*
  - *Speakers are subject to a time limit, typically 3 minutes, so it is best to organize thoughts and comments to use your time effectively;*
  - *Speakers may wish to coordinate their respective comments to avoid redundancy and cover a broader range of issues;*
  - *Present your comments and information to the Commission or City Council, do not speak to the audience or ask questions of the Commission and Council as the hearing is for them to receive input from you;*
  - *Concise, clear supplemental handouts may reinforce your message;*
  - *After the hearing concludes, the Commission or Council may have questions for staff, the applicant or individual speakers.*

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**Q: How can I stop this proposal from going before the Planning and Zoning Commission and/or City Council?**

*A: Pursuant to the Texas Local Government Code and the City of Sugar Land Development Code, property owners have rights to submit development proposals and applications, and are entitled to participate in a process for consideration of their applications. However, members of the community are also entitled to participate in that process, and typically have significant influence in shaping outcomes. The process includes the Planning and Zoning Commission, for hearings and a recommendation to City Council. Following the Planning and Zoning Commission recommendation, a hearing is held at the City Council followed by an ultimate decision by the City Council on the general land plan and Planned Development (PD) rezoning.*

**Q: Who decides how many apartments will be constructed in the Imperial development?**

*A: Ultimately the City Council determines the number by adopting an ordinance zoning the property. In the case of the Imperial project, this zoning will be a Planned Development (PD) District. The City Council also considers the recommendation of the Planning and Zoning Commission on zoning matters, as provided for under the City Charter.*

**Q: Will the Planning and Zoning Commission have additional workshops with the planning staff on the PD proposal and any concerns/questions or will it go straight into the PD process?**

*A: Additional P&Z workshops are not planned at this time. Staff has advised the developer of deficiencies and concerns associated with the application, and are awaiting developer resubmittals on both the general land plan and the PD rezoning application.*

**Q: Who will provide (or pay for) schools to serve residents in the development?**

*A: For public schools, this area is served by the Fort Bend Independent School District. Property owners in the Imperial development project will contribute to School District revenues through increased property values and school property taxes. Although the City cannot directly influence school revenues, we strive for balanced development so that non-residential property, including retail, office and other business development, contributes to the tax base. This benefits the City and we believe it also benefits the School District.*

**Q: What is the City's position on this issue (proposed # of multifamily units)?**

*A: The City's position on this issue will be determined by a future vote of the City Council on the general land plan and the Planned Development (PD) District rezoning proposal.*

**Q: What is the City staff position on this issue (proposed # of multifamily units)?**

*A: City Staff does not believe that the application, as submitted, provides justification for the proposed number and type of multifamily units, and the developer has been advised accordingly. City staff position is determined by comparing development proposals against the City's Comprehensive Plan, formally adopted City Council goals and vision as well as City codes and ordinances. Additionally, staff evaluates infrastructure capacity to support the proposal and impacts on adjacent areas.*

*Standard multifamily zoning includes limits to the maximum number of multifamily units on a site and minimum distance between multifamily sites. This project will be zoned Planned Development (PD), and controlled by a PD zoning ordinance. The PD zoning does not include standard limits on density and location, instead allowing developers to submit proposals that justify different standards. Ultimately, a PD proposal, which is a custom zoning district, must show compliance with the intent statement of the Planned Development (PD).*

**Q: Can you describe the PD zoning process and typical timeframes?**

*A: When an applicant applies for PD zoning, they are requesting a custom zoning district. The burden of proof is upon the applicant to ensure that the development follows the details as laid out in Chapter Two, Article II of the Development Code. A key part of those details is meeting the intent statement for PD districts in the Development Code. Ultimately the Planning and Zoning Commission and the City Council determine whether a PD application meets the intent, which is provided for reference as follows:*

*Sec. 2-172. Intent.*

*The planned development district allows for a development containing uses or a combination of uses in a design that would not otherwise comply with the regulations of the primary zoning districts, but does provide an overall design, increased Open Space, or other features or amenities that results in a superior development or offer special benefits to the community. A planned development district may not be used for the primary purpose of avoiding the zoning regulations applicable to the primary zoning districts.*

*The City of Sugar Land has a number of existing PD Districts established. Examples are Lake Pointe, Sugar Land Town Square, and recent commercial areas in the Telfair properties. Lake Pointe and SL Town Square also have a residential component. These PD Districts went through public hearings at the Planning and Zoning Commission and City Council prior to approval by ordinance, and the ordinances detail out key elements such as setbacks, density, overall street layout, acreage amounts, and other special conditions. The City of Sugar Land has specific criteria within the Development Code that allows either a one-step rezoning process or a two-step process. The process being implemented for Imperial is a two-step zoning process, where a Preliminary PD called a General Development Plan is approved first. This sets the stage for overall concepts, uses, and general bulk standards (ex. setbacks, lot coverage). It does not allow for any building permits for buildings. A second step process is followed up containing meetings with the Planning and Zoning Commission and Council where specific plans are reviewed called Final Development Plans. These may cover smaller portions of the overall tract or the entire tract in one plan. Once approved, these allow building permits to be processed for actual construction of commercial and residential buildings.*

*Planning and Zoning Commission -*

*Public Hearing Meeting— Staff presentation of issues and our understanding of the developer's proposal; Developer presents the proposal. Public then has ability to speak individually at the hearing meeting. Commission then provides formal feedback to applicant and staff as appropriate; can include additional public meetings if the public hearing indicates issues remain, public feedback taken into account.*

*Consideration and Action Meeting – Staff reports on any updates and revisions addressing public hearing and prior Commission concerns, makes a recommendation, concerns (applicant/staff as necessary) Commission makes recommendation to Council. Can include special conditions.*

*\*\*\*\*Estimated time required- (depending on hearing, issues, and resubmittals from applicant-typically 2-4 months)*

*City Council-*

*Workshop – Developer presentation ( depends on project detail / issues on whether workshop is conducted) Can occur anytime during rezoning process, but is often after the Planning and Zoning Commission meetings have been completed.*

*Public Hearing (possible First Reading) – Staff will make an overall presentation of information regarding the case, and the results of all Planning and Zoning Commission meetings. The applicant then has the ability to give their presentation of the proposal. The Public Hearing then is open for interested members of the public to give comments, present concerns, or issues with the application. If Council determines that there are significant issues, they have the ability to postpone any action on the proposal until specific changes are made, or can send the project back to the Planning and Zoning Commission for further review. If the Council determines that a vote is appropriate at that meeting, they will act on First Reading to approve the rezoning typically occurs at the same meeting after the hearing if no major issues and positive Commission recommendation. Council has ability to table and send back to staff and applicant, or send back to Commission rather than have First Reading.*

*Second Reading – possibly on Consent if First Reading was approved unanimously*

*\*\*\*\*Estimated time required- (typically 2 months from P&Z Recommendation to ultimate Council approval unless major issues are determined about the proposal by the City Council.*

***Q: There is construction within the Imperial Tract that is ongoing with regard to land clearing and major streets. What is being constructed, and what approvals were given, as compared to the Johnson proposals?***

***A: Under Resolution 10- 46, adopted by City Council on September 21, 2010, the official site was chosen for the City baseball stadium at the Imperial / Tract 3 property. Following this decision, on October 5, 2010, the City Council authorized amendments to the 2007 Imperial Redevelopment Agreement that contained provisions for infrastructure, including major streets and street layouts to serve a baseball stadium. The work that is currently underway within the lower central portion of the Imperial / Tract 3 property includes land clearing and grading, detention pond excavation, and major street construction as illustrated within the approved agreement to facilitate the Council-approved baseball stadium site. The major street layout being constructed is also in compliance with the approved 2007 General Land Plan for Imperial / Tract 3, which specified connections to Burney Road, State Highway 6, Ulrich Street, and future connection to University Boulevard.***



**Q: What is the immediate schedule for the Imperial PD?**

*A: We expect the developer to consider the response and input from the community meeting and work with the community to address those issues. This may result in changes to applications and proposals. Ultimately, the developer will decide what to present to the community, Planning and Zoning Commission and City Council as well as when to bring the application forward. When there is a resubmittal to City staff, it is anticipated that there will be a several week review prior to staff scheduling any public hearings*

**Q: I understand that the City Council approved a plan in 2007 with specifics. What are key details of that plan?**

*A: The City Council approved the Imperial General Land Plan on June 26, 2007 along with a Redevelopment Agreement with Cherokee Sugar Land, LP. The 2007 Plan is included to this FAQ and several key elements are summarized in the chart below:*

<i>Imperial / Tract 3 2007 Plan</i>	<i>Total Plan Acreage of 721.4 including a future development area north of Nalco</i>
<i>Acreage Devoted to Single Family Only</i>	<i>133.4 acres</i>
<i>Estimated Dwelling Units Per acre for SF only</i>	<i>Netting out streets would be approximately 494 residential units and ensuring residential units at not more than 3 to 4 per acre</i>
<i>Acreage Devoted to Single Family and Townhomes in area labeled TN (Traditional Neighborhood)</i>	<i>103.9 acres</i>
<i>Number of Townhomes</i>	<i>No specific number</i>
<i>Acreage Devoted to Multi-family at Sugar Refinery Area</i>	<i>45.9 acres</i>
<i>Estimated Dwelling Units Per acre at Sugar Refinery Area</i>	<i>10 DU per acre, which is equivalent to approximately 459 of MF residential units</i>
<i>Commercial area on SH 6 labeled Business / Residential</i>	<i>Primarily commercial, with ability to have residential . Discussion included possible live/work townhomes and MF residential units. No consensus on specific layout, density, or numbers. Future PD process cited for determination.</i>
<i>Estimated Dwelling Units Per acre</i>	<i>Undetermined amount of MF residential units to be further defined during a PD zoning process.</i>
<i>Commercial at Voss and SH 6</i>	<i>25.7 acres to be zoned B-2 in future</i>
<i>Open Space including Oyster Creek, Drainage and Lakes, and Parks, Nature Areas, Greenbelts, Open Space Floodway</i>	<i>253.6 acres</i>
<i>Estimated total residential units for entire property of Imperial / Tract 3 including SF, Townhome, and MF in 2007 Plan</i>	<i>1,576 acres</i>



**LAND USE LEGEND**

Land Use	Acres	Density
Low Density Residential (LDR)	2,173.4	27.8 U/A
Medium Density Residential (MDR)	45.9	60 U/A
Single-Family Detached Residential (SFR)	26.7	10.0 U/A
Open Space/Park	250.6	-
Water/Wetlands	100.0	-
Future Development	721.4	-

**PROJECT TOTAL ACREAGE: 721.4 Ac.**

- General Plan Notes:**
- 1) This General Plan does not constitute zoning. All future development with exception of northern 23.7 ac. tract at corner of Hwy 6 and Hwy 5, will occur pursuant to an approved Planned Development District (PDD) Final Development Plan.
  - 2) Ultimate traffic improvements at Clark Street and US Hwy 6 will be made at the time of initial connection of Clark Street to the development.
  - 3) Cherokee will preserve at minimum the Clark House, the 1920 Wellhouse, and the Imperial Sugar Water Tower as well as secure the continuance of a historical theme throughout the development.
  - 4) Total residential units set to exceed 3 to 4 units per gross developable acre.
  - 5) Through the PDD process landscape buffers, appropriate building setbacks, and appropriate height restrictions will be further defined.

**REVISED GENERAL PLAN  
IMPERIAL SUGAR / TRACT 3**  
Revised General Plan Submittal  
A Subdivision of 721.4 Ac.  
Out of the Alexander Lodge League,  
Abstract 32 & S.M. Williams League,  
Abstract 97  
CITY OF SUGAR LAND,  
FORT BEND COUNTY,  
Owner: Cherokee Sugar Land, LP  
1135 West 6th Street, Austin TX 78703  
Tel 512.615.2777

